

Cummins, Robert
From: Cummins, Robert
Sent: Wednesday, April 23, 2008 5:12 PM
To: 'arosenman@mayerbrownrowe.com'; 'rassmus@mayerbrownrowe.com'
Cc: Cronin, Thomas
Subject: RE: discovery

GENTLEMEN---Unless we have a response from you by tomorrow regarding the obligation to meet and confer and to get discovery rolling as mandated by Judge Gottschall's pretrial order---and you will recall that the Judge specifically rejected the notion that discovery was abated---we will be forced to move for sanctions.

From: Cummins, Robert
Sent: Wednesday, April 23, 2008 2:55 PM
To: 'arosenman@mayerbrownrowe.com'; 'rassmus@mayerbrownrowe.com'
Cc: Cronin, Thomas
Subject: RE: discovery

Do you intend to respond or must we generate motion practice? Judge Gottschall's direction is quite clear.

From: Cummins, Robert
Sent: Tuesday, April 22, 2008 2:28 PM
To: 'arosenman@mayerbrownrowe.com'; 'rassmus@mayerbrownrowe.com'
Cc: Cronin, Thomas
Subject: RE: discovery

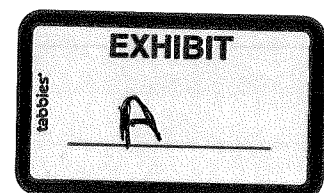
Gentlemen----The Court has not vacated the status conference of May 7 at 9:30am. Please advise us when you are available to meet and confer

From: Cummins, Robert
Sent: Tuesday, April 22, 2008 11:36 AM
To: 'arosenman@mayerbrownrowe.com'; 'rassmus@mayerbrownrowe.com'
Cc: Cronin, Thomas
Subject: RE: discovery

Gentlemen----This is from the Court's case management packet which you will find on line. If you prefer to have the preliminary meeting at your offices, we will certainly accommodate that request. If so, we can review your preliminary production at that time.

I. INITIAL STATUS CONFERENCE

The court will set this case for status within approximately seventy (70) days of the filing of the complaint. At this initial status conference the parties will: (1) inform the court of the nature and scope of the case; (2) identify settlement opportunities; (3) inform the court whether they are



willing to consent to the reassignment of the case to the assigned magistrate judge; (4) set the initial

discovery parameters; and (5) schedule future conferences and (when necessary) motions.

Parties are encouraged to contact chambers to schedule an earlier status conference, if desired.

To maximize the effectiveness of the scheduled status conference, the court requires that plaintiff's counsel schedule a preliminary meeting with opposing counsel, approximately fourteen

(14) days before the scheduled status conference, to fully explore early settlement opportunities and

identify areas of agreement. The reciprocal discovery fourteen (14) day clock begins to run at the

time of the preliminary meeting. *See* Fed. R. Civ. P. 26(a). Plaintiff's counsel shall advise opposing

counsel of the need to obtain a copy of this case management packet as soon as possible.

The court recognizes that in some cases the scheduled status conference may take place before defendants have filed an answer to the complaint. However, the court expects all defendants

who have been served to participate in this process regardless of whether they have filed an answer.

From: Cummins, Robert

Sent: Tuesday, April 22, 2008 11:14 AM

To: 'arosenman@mayerbrownrowe.com'; 'rassmus@mayerbrownrowe.com'

Cc: 'tcc@cumminscronin.com'

Subject: discovery

ANDREW/RICHARD—Per the federal rules and the Court's direction, we need to get discovery off the ground ASAP. Please call us today. We need some documents from you folks (e.g. the TM search results and the responses to Ms. Masters' 5/19/98 memo) and we have a discovery/deposition plan in mind. We believe we have provided our documents (i.e. Bates Nos. W 1000 et seq.) but will be ready to supplement if you have other requests and if additional materials exist.